

Docket Item #6  
SPECIAL USE PERMIT #2003-0119

Planning Commission Meeting  
May 4, 2004

**ISSUE:** Consideration of a request for a special use permit for continuance of a nonconforming convenience store use.

**APPLICANT:** 7-Eleven Inc.  
by Maynard Sipe

**LOCATION:** 6120 Lincolnia Road

**ZONE:** CL/Commercial Low

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**STAFF RECOMMENDATION:** Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the recommended conditions in Section III of this report.

## I. DISCUSSION:

### REQUEST

The applicant, 7-Eleven Inc., requests special use permit approval for the continued operation of a nonconforming convenience store located at 6120 Lincolnia Road.

### SITE DESCRIPTION

The subject property is one lot of record with 84 feet of frontage on Lincolnia Road, 104 feet of frontage on the side street, with a total lot area of 14,678 square feet. The site is developed with a one story commercial building and surface parking. The subject tenant space is approximately 2,714 square feet.

### SURROUNDING USES

The surrounding uses are a mix of commercial, office, and residential. Immediately to the west is Lincolnia Automotive. To the east is a single family home. To the south is the Extended Stayamerica hotel. To the north is a four story office building and a post office.

### PROJECT DESCRIPTION

The applicant proposes to continue operating the nonconforming 7-Eleven convenience store. The applicant is the lessee of the property, and has operated the existing convenience store on the property since 1965. The 7-Eleven store is a typical convenience retail store selling a variety of goods including food and beverages, which are consumed off the premises. Consistent with staff's approach in the other 7-Eleven cases, the following features of the continued operation are proposed:

Hours: The store is open 24 hours a day, 365 days a year.

ABC License: The store has an Alcoholic Beverage Control license for off-premise sale of beer and wine between the hours of 6:00 a.m. and 12:00 midnight.

Architecture: The applicant proposes facade improvements including: removing the existing color bands from the fascia, installing a gabled roof structure with a new raised parapet, mouldings, trim, gutter and vertical siding, and reroofing with asphalt shingles (see attached plans).

Landscaping: The existing mature landscaping will be maintained. At staff's suggestion, the applicant proposes that the landscaping area at the northeast corner of the property along Lincolnia be widened and enhanced, and the landscaped area on the east side of the building be enhanced (see attached plans). The applicant is also proposing to install a trash enclosure, as staff had suggested, with landscaping around it.

Sign: The existing sign over the entrance door is proposed to remain. There is also a freestanding sign located closer to the street, which the applicant has agreed to remove; it proposes to install a monument sign.

Parking: The original Site Plan #66-001 approved parking for commercial uses at this building, and additional parking is not required. There are 23 parking spaces provided at this location.

Waste Management: Trash generated is typically solid waste from a small retail establishment, largely consisting of paper, cardboard and plastic. Trash is picked up by a private hauler several times per week. Store employees perform a minimum of two litter walks per day to pick up litter around the store. Additional litter walks are performed three times per week by a contractor. There are two trash cans to control litter located at the front of the business.

#### ZONING

The subject property is located in the CRMU-M/Commercial Residential Mixed Use (medium) zone. Section 5-203 (E) of the Zoning Ordinance allows a convenience store in the CRMU-M zone only with a special use permit.

#### MASTER PLAN

The proposed use is consistent with the Alexandria West Small Area Plan chapter of the Master Plan which designates the property for uses compatible to the CRMU-M zoning.

## **II. STAFF ANALYSIS:**

Staff does not object to the continued use of the 7-Eleven located at 6120 Lincolnia Road. The store is compatible with the mix of uses already in the area. The business provides a valuable convenience retail service to the community.

Staff had some concerns regarding the facade of the building and the lack of landscaping on the premises. In response to staff's concerns, the applicant proposes a number of facade improvements for the entire building including the removal of the colored bands at the front of the facade and the installation of new trim, moldings, gutter, siding, and roof. The existing 7-Eleven sign will remain above the entrance, and the applicant proposes removing the freestanding sign and installing a monument sign. In regard to landscaping, staff had requested that the applicant remove pavement along the edge of both vehicular entrances to the property to install new landscaping beds. However, the applicant was concerned about potential wear on the beds from truck traffic that could bump into it when coming and going from the property, and instead proposed to widen the area of the existing bed at the corner of the property and enhance and extend the existing landscaping along the south side of the property. Although there is still a lot of paving on the property, staff is satisfied

that the proposed landscaping will give some relief to the amount of paving. Also in response to staff's concerns, the applicant is proposing a trash enclosure. The improvements will make the site more attractive and soften the appearance of the parking area.

In regard to alcohol sales, staff supports the Police recommendation prohibiting single sales to prevent any potential problems, such as littering and loitering, and to be consistent with Police's policy to limit such sales city-wide.

Staff also recommends the installation of a City trash can to help control any potential litter. Staff recommends a number of other conditions similar to those already approved for the previous 7-Eleven cases.

With these conditions, staff recommends approval of the special use permit.

### III. RECOMMENDED CONDITIONS:

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z)
2. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z)
3. No food, beverages, or other material shall be stored outside. (P&Z)
4. The business shall be permitted to operate for 24 hours daily. (P&Z)
5. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of 40 fluid ounces or more. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold. (Police)
6. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be permitted to accumulate on site outside of those containers. (P&Z)

7. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees. (Police)
8. The applicant shall require its employees who drive to work to use off-street parking. (P&Z)
9. No seats or tables shall be provided for the use of patrons. (P&Z)
10. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z)
11. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
12. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
13. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
14. Lighting shall be to the satisfaction of the Director of Transportation and Environmental Services in consultation with the Chief of Police. (P&Z)
15. The applicant shall repair the site lighting fixtures that are not working and clean and maintain all lights. (T&ES)
16. Applicant shall pay the City the sum of \$ 850.00 for placement of a Model SD-42 Bethesda Series litter receptacle to be placed the public right-of-way. (T&ES)
17. The applicant shall implement the facade improvements as submitted in the attached plans. (P&Z)
18. The applicant shall install, and thereafter maintain in good condition, landscaping according to the attached landscaping plan. (P&Z)
19. The applicant shall remove the existing freestanding sign, and install a new monument sign to the satisfaction of the Director of Planning and Zoning. (P&Z)

20. The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z)
21. The applicant shall screen the dumpster to the satisfaction of the Director of Planning and Zoning and shall maintain the screening in good condition. (P&Z)
22. The Director of Planning and Zoning shall review the special use permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (Police)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;  
Barbara Ross, Deputy Director;  
Valerie Peterson, Urban Planner.

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Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

**IV. CITY DEPARTMENT COMMENTS**

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation and Environmental Services:

- F-1 The site is located on the south side of Lincolnia Road east of Breckinridge Place. Vehicular access is from 2 city standard driveway aprons.
- F-2 The public improvements; curbs, sidewalks and driveway aprons are in good condition and no repairs needed.
- F-3 The construction of this store was originally approved under Site Plan #66-001.
- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- R-2 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services.
- R-3 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
- R-4 The applicant shall repair the site lighting fixtures that not working and clean and maintain all lights.
- R-5 Applicant shall pay the City the sum of \$ 850.00 for placement of a Model SD-42 Bethesda Series litter receptacle to be placed the public right-of-way.

Code Enforcement:

- C-1 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 New construction must comply with the current edition of the Uniform Statewide building Code (USBC).
- C-3 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.

- C-4 A rodent control plan shall be submitted to this office for review and approval prior to occupancy. This plan shall consist of the following:
  - (a) Measures to be taken to control the placement of litter on site and the trash storage and pick up schedule.
  - (b) How food stuffs will be stored on site.
  - (c) Rodent baiting plan.

Health Department:

- C-1 This facility is currently operating as 7-Eleven under Alexandria Health permit, issued to Southland Corporation.
- C-2 This facility and all modifications must meet current Alexandria City Code requirements for food establishments.
- C-3 Five sets of plans must be submitted to and approved by this department prior to construction/modifications. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for review of plans for food facilities.
- C-4 Permits and/or approval must be obtained prior to operation.
- C-5 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-6 Certified Food Managers must be on duty during all hours of operation.
- C-7 Restrooms, including those in common areas, serving the restaurant, are to meet Alexandria City Code, Title 11, Chapter 2 requirements.
- C-8 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Police Department:

- R-1 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business.
- R-2 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.

R-3 If an “ABC Off” license is approved we recommend the following conditions:

1. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 fl or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold.
2. That the SUP is reviewed after one year.

**The following recommendation related to site lighting has not been included as a condition; rather, staff has recommended that the applicant maintain lighting to the satisfaction of the Director of T&ES in consultation with the Chief of Police, which will likely result in lower lighting levels than recommended by the Police.**

R-4 The lighting for the parking lot is to be a minimum of 2.0 foot candles minimum maintained.

**The following recommendation related to landscaping has not been included as a condition because staff finds that mature landscaping at this location will enhance the property, and is not proposed in locations that will block visibility.**

R-5 The shrubbery is to be a maximum height of 36 inches when it is mature.